



Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

S	ERIAL NUMBER	FILING DATE		FIRST NAM	IED APPLICANT		. ATTORNEY DOCKET NO.
	08/540,34	13 - 10/06	795	HALLAHAN	•	I.	ARCD: 194
1							

18N2/1022

GARY J SERTICH ARNOLD WHITE AND DURKEE P Q BOX 4433 HOUSTON TX 77210

	AMINER
RORIES	5, C
ART UNIT	PAPER NUMBER
1919	14

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

	N IH	E PERIOD FOR RESPON	5E.			, -
event however, will the statutory period for the response expire later than six months from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee purposes of obtaining the period of extension and the corresponding amount of the fee. Any extension fee purposes to the final rejection, and the fee have been filed is the date for the purposes of the final rejection and the corresponding amount of the fee. Any extension fee purposes to the final rejection, filed111	a) 🔲	is extended to run	or continues to run	from the date	of the final rejection	
The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of vertexion and the corresponding amount of the fee. Any extension fee pursuant to 37 GFR 1,17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above. Applicant's response to the final rejection filed	p) 🔼					ter. In no
Proposed fis due in accordance with 37 CFR 1.192(a) Proposed with the following effect, but it is not deemed to place the application in condition for allowance: The proposed amendments to the claim and for specification will not be entered and the final rejection stands because: The proposed amendments to the claim and for specification will not be entered and the final rejection stands because: The proposed amendments to the claim and for specification will not be entered and the final rejection stands because:		The date on which the re purposes of determining 1:17 will be calculated fro	sponse, the petition, and the fee have been the period of extension and the corresponding on the date of the originally set shortened sta	filed is the date of the res ig amount of the fee. Any	ponse and also the date t extension fee pursuant to	or the 37 CFR
1. The proposed amendments to the claim and or specification will not be entered and the final rejection stands because: a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented. b. They raise new issues that would require further consideration and/or search. (See Note). c. They raise the issue of new matter. (See Note). d. They are not deemed to place the application in botter form for appeal by materially reducing or simplifying the issues for appeal. e. They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: 1. Newly proposed or amended claims without cancelling a corresponding number of finally rejected claims. 3. Woon the filing an appeal, the proposed amendment would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims. Claims allowed: Claims allowed: Claims objected to: Next. Claims rejected: A. D. J.	Ap	pellant's Brief is due in accomplicant's response to the fi	cordance with 37 CFR 1.192(a).	peen considered with the I	ollowing effect, but it is no	it deemed
a		The proposed amendmen	ts to the claim and /or specification will not b	e entered and the final re	ection stands because:	
c. They raise the issue of new matter. (See Note). d. They are not deemed to place the application in botter form for appeal by materially reducing or simplifying the issues for appeal. e. They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: 2. Newly proposed or amended claims would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims. 3. Upon the filing an appeal, the proposed amendment P will be entered will not be actuared and the status of the claims will be as follows: Claims allowed: Newly		a. There is no convinc	ring showing under 37 CFR 1.116(b) why the	proposed amendment is	necessary and was not e	arlier
c. They raise the issue of new matter. (See Note). d. They are not deemed to place the application in botter form for appeal by materially reducing or simplifying the issues for appeal. e. They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: 2. Newly proposed or amended claims would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims. 3. Upon the filing an appeal, the proposed amendment P will be entered will not be actuared and the status of the claims will be as follows: Claims allowed: Newly		b. ☐ They raise new issu	ues that would require further consideration a	ind/or search. (See Note)		
d. They are not deemed to place the application in botter form for appeal by materially reducing or simplifying the issues for appeal. e. They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: 2. Newly proposed or amended claims					· .	
appeal. e. They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: 2. Newly proposed or amended claims		$r = \overline{r_0}$	* Later as			
NOTE: Newly proposed or amended claims would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims. Woon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows: Claims allowed:			ned to place the application in better form for	appeal by materially redu	ucing or simplifying the iss	ues for
NOTE: Newly proposed or amended claims		e. They present addit	ional claims without cancelling a correspondi	ing number of finally rejec	ted claims.	
2. Newly proposed or amended claims		.*			TO JOIN THROUGH SHADO SHIP	
the non-allowable claims. 3. If Upon the filing an appeal, the proposed amendment I will be entered will not be entered and the status of the claims will be as follows: Claims allowed: Claims objected to: None Claims rejected: Applicant's response has overcome the following rejection(s): Applicant's response has overcome the rejection because claims of inversion with any hereseving to the status of the claims will be entered with does not overcome the rejection because claims of inversion with a support of the status of the claims of the status of the claims will be entered will not be considered but does not overcome the rejection because claims of the status of the claims of the status of the claims will not be considered because applicant has not shown good and sufficent reasons why it was not earlier for presented. The proposed drawing correction has has not shown good and sufficent reasons why it was not earlier for presented. CHARLES C.P. RORIES PRIMARY EXAMINER		NOTE:				
Claims allowed: Claims objected to: Claims rejected: \$\frac{10}{11}\$, \$\frac{13}{13}\$, \$\frac{18-27}{15-55}\$ However: Applicant's response has overcome the following rejection(s): Amendment of \$\frac{1}{15}\$, \$\frac{18-21}{15}\$, \$\frac{23-26}{15}\$ ps objected to: None objected to: Applicant's response has overcome the following rejection(s): Amendment of \$\frac{1}{15}\$, \$\frac{18-21}{15}\$, \$\frac{23-26}{15-25}\$ ps objected to the second of invention vising any herpes visit to specify the example of invention vising any herpes visit to unspecified flow a advention of the second of invention vising any herpes visit to unspecified flow a advention of the second of invention vising any herpes visit to unspecified flow a advention of the second of invention vising any herpes visit to unspecified flow a advention of the support of the affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier from the proposed drawing correction has has not been approved by the examiner. The proposed drawing correction has has not been approved by the examiner. CHARLES C.P. RORIES PRIMARY EXAMINER		the non-allowable claims. Upon the filing an appeal				
Claims objected to: Claims rejected: B, 10, 11, 13, 18-27, 4 35-55 However; Applicant's response has overcome the following rejection(s): Amendment of cl. 8, 13, 15, 18-21, 423-26 por objection of the following rejection of the following rejection of the following rejection objection of the following rejection of the following rejection objection of the following rejection has been considered but does not overcome the rejection because claims of recipies to reconstitution has been considered but does not overcome the rejection because claims of recipies to respect the specific mode of an injection of the following correction of the following rejection(s): CHARLES C.P. RORIES PRIMARY EXAMINER			Nane			
However; Applicant's response has overcome the following rejection(s): Anendment of cl. 8,13,15,18-21, 423-26 por obj. To see. Trej. of cl. 8,10,11,13,15,718-27 for non-readlement of invention ving any hereever. 4. The affidavit, exhibit or request for reconsidered but does not overcome the rejection because clima structure in the secret of secret structure in the support of the affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier for presented. The proposed drawing correction has has not been approved by the examiner. Other CHARLES C.P. RORIES PRIMARY EXAMINER			None			
Applicant's response has overcome the following rejection(s): A mandament of cl. 8,13,15,18-21, -23-26 por obj. To spec. Trej. of cl. 8,10,11,13,15,718-27 for non-enthreum of invention vising any herpesus. 4. We the affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because claims of recise in a specific 1850 a alternative. The area of a considered by the specific presented of the support of the proposed drawing correction has has not been approved by the examiner. Other CHARLES C.P. RORIES PRIMARY EXAMINER		Claims rejected: 8, 10	² ,11,13,18-27, + 35-55			
Obj. to gree. T rej. of. cl. 8, 10, 11, 13, 15, 718-27 for non-early months of inventor vsing any herpervise. 4. If The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because clama strective vaspectiful ASV a advancing. Toma to the specific work of a conjection rate to the support of the street of the str		•				
4. If The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because clamasteristic varieties of the second of the state of the stat						
The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier for the presented. The proposed drawing correction has has not been approved by the examiner. Other CHARLES C.P. RORIES PRIMARY EXAMINER						
5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier from presented. The proposed drawing correction has has not been approved by the examiner. Other CHARLES C.P. RORIES PRIMARY EXAMINER Operation of the breadly of	4. Ly recite v	uspecified ASV a c	extensions, a Tome you, t	- fail to specif	y exemplified mod	e of ad
presented. ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner. ☐ Other CHARLES C.P. RORIES PRIMARY EXAMINER The disclosed examples of the breedly of the	injection	- into zum) 50	Phot the scope of the claims			. ``
CHARLES C.P. RORIES PRIMARY EXAMINER Operation of the breatly of	5. 📗	The affidavit or exhibit will presented.	. not be considered because applicant has no	ot shown good and suffice	int reasons why it was no	disclosed e
CHARLES C.P. RORIES PRIMARY EXAMINER Operation of the breatly of	☐ The	proposed drawing correcti	on has has not been approved by	y the examiner.	The disclosed e	camples a
CHARLES C.P. RORIES PRIMARY EXAMINER Operation of the breatly of	Oth	ner	Charles C	me no	e comebeve v	ith succes
• • • • • • • • • • • • • • • • • • • •	•		***************************************	of'	evarion of the	broadly ch
PTOL-303 (REV. 5-89)			GROUP 1800			